

REMARKS/ARGUMENTS

Original claims 1-44 are pending.

Election / Restrictions

In the Office Action of May 17, 2005, the pending claims are characterized as "directed to the following patentably distinct species of the claimed invention:

- 1) The embodiments as shown in figures 1-5;
- 2) The embodiments as shown in figures 6-11;
- 3) The embodiments as shown in figures 12-16;
- 4) The embodiments as shown in figures 17-19;
- 5) The embodiments as shown in figures 20-22;
- 6) The embodiments as shown in figures 23-25;
- 7) The embodiments as shown in figures 26-32;
- 8) The embodiments as shown in figures 33&34; and
- 9) The embodiments as shown in figure 35."

The Office Action requires that the Applicant "elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable," and indicates that "[c]urrently, claim 1 is generic" and that "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141."

Applicant respectfully disagrees with the characterization of the claims of the present application, and requests reconsideration and withdrawal of the pending election requirement in light of the following. Pursuant to the requirements of 37 C.F.R. § 1.143, however, Applicant provisionally elects the claims of Species 1 (corresponding to the "embodiments as shown in figures 1-5)" as described above. Applicant notes that the claims associated with each of the Species 1 through 9 are not identified. Without being bound by the same, Applicant believes that at least the following claims read on

provisionally elected Species 1: claims 1-5, 8, 9, 11, 36, 38, and 44. Should the Election be maintained, Applicant requests rejoinder of the other species once allowable subject matter is found in a generic claim.

In regard to the required election between Species 1 through Species 9, the Examiner does not provide description of which claims constitute any allegedly distinct species, sufficient reasoning, or any analysis to support a proper restriction in this case. Section 803 of the Manual of Patent Examining and Procedures provides that "Examiner's must provide reasons and/or examples to support conclusions" in a restriction requirement, and Section 808 provides that

[e]very requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween.

In the present case, Applicant respectfully submits that the Examiner does not provide any reason or argument supporting an election requirement between the embodiments encompassed by Species 1 through Species 9. Rather, the Examiner merely provides a conclusory characterization that Species 1 through 9 are "patentably distinct." It is therefore submitted that no *prima facie* case for requiring election of species has been made out, and withdrawal of this requirement is respectfully requested.

To emphasize the relationship of the claims of Species 1 through 9, claims 2-43 all ultimately depend from claim 1. Claim 1 was identified as generic to all the Species. Specifically, claims 1-44 all relate to rams for preventing wellhead blowouts. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the pending election requirement involving Species 1 - 9.

Furthermore, Applicant notes that the claims of Species 1 - 9 are closely related enough so as not to impose a serious burden on the Examiner in the context of prior art searching and substantive examination. Similar prior art would need to be compiled

and analyzed for an evaluation of the patentability of the claims of each of Species 1 - 9. There is no suggestion that excessive search classes would necessarily be involved, accordingly, Applicant respectfully requests reconsideration and withdrawal of the Examiner's election requirement involving Species 1 - 9.

CONCLUSION

In view of the foregoing, Applicants request reconsideration and withdrawal of the election requirement.

It is believed that no fee is required for this submission. If this is incorrect, please deduct the appropriate fee for this submission from Deposit Account No. 07-1969.

Respectfully submitted,



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Attorney Docket No. 73-03
lem: June 17, 2005